

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78095659
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	SQRAT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	035
DESCRIPTION	MERCHANDISING OF MOVIES AND TELEVISION PROGRAMS
FIRST USE ANYWHERE DATE	At least as early as 12/23/2001
FIRST USE IN COMMERCE DATE	At least as early as 12/23/2001
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	035
DESCRIPTION	MERCHANDISING OF MOVIES AND TELEVISION PROGRAMS
FIRST USE ANYWHERE DATE	At least as early as 12/23/2001
FIRST USE IN COMMERCE DATE	At least as early as 12/23/2001
	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date

STATEMENT TYPE	<b>of the application"</b> <i>[for an application based on Section 1(a), Use in Commerce]</i> <b>OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"</b> <i>[for an application based on Section 1(b) Intent-to-Use]</i> . <b>OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"</b> <i>[for an illegible specimen]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">SPU0-109968235-20150923121128686706_._sqrat.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\780\956\78095659\xml29\RFR0002.JPG</a>
SPECIMEN DESCRIPTION	web page
FILING BASIS	Section 1(b)
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/E2572D/
SIGNATORY'S NAME	David Einhorn
SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	212-589-4644
DATE SIGNED	09/24/2015
RESPONSE SIGNATURE	/E2572D/
SIGNATORY'S NAME	David Einhorn
SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	212-589-4644
DATE SIGNED	09/24/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Sep 24 16:27:57 EDT 2015

**TEAS STAMP**

USPTO/RFR-10.99.68.235-20  
150924162757045397-780956  
59-540ee8310564586b030b1f  
5422454ac5ecffe9cd9af6714  
b335ced7e8080e555-N/A-N/A  
-20150923121128686706

PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

## **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **78095659** SQRAT(Standard Characters, see ) has been amended as follows:

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 035 for MERCHANDISING OF MOVIES AND TELEVISION PROGRAMS

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 035, the mark was first used at least as early as 12/23/2001 and first used in commerce at least as early as 12/23/2001 .

**Proposed:** Class 035 for MERCHANDISING OF MOVIES AND TELEVISION PROGRAMS

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant

will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 035, the mark was first used at least as early as 12/23/2001 . and first used in commerce at least as early as 12/23/2001 .

Applicant hereby submits one(or more) specimen(s) for Class 035 . The specimen(s) submitted consists of web page .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"** *[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*.

**Original PDF file:**

[SPU0-109968235-20150923121128686706 . \\_sqr.at.pdf](#)

**Converted PDF file(s) ( 1 page)**

[Specimen File1](#)

**SIGNATURE(S)**

**Declaration Signature**

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; ***for a collective trademark, collective service mark, collective membership mark application, or certification mark application***, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; ***for a certification mark application***, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely,**

**when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /E2572D/     Date: 09/24/2015  
Signatory's Name: David Einhorn  
Signatory's Position: Attorney of Record  
Signatory's Phone Number: 212-589-4644

**Request for Reconsideration Signature**

Signature: /E2572D/     Date: 09/24/2015  
Signatory's Name: David Einhorn  
Signatory's Position: Attorney of Record

Signatory's Phone Number: 212-589-4644

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 78095659

Internet Transmission Date: Thu Sep 24 16:27:57 EDT 2015

TEAS Stamp: USPTO/RFR-10.99.68.235-20150924162757045

397-78095659-540ee8310564586b030b1f54224

54ac5ecffe9cd9af6714b335ced7e8080e555-N/

A-N/A-20150923121128686706



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## NEWS FLASH

HOWARD STERN FILM FESTIVAL - Supersonic Girls at Howard Stern Film Festival

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Read Ivy's Bio ~~~~ [Eulogy for Daddy](#) Feb 20, 2005  
Poems: [Thank-You](#) | [I AM](#)

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Apprentice Gallery Video (story)



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## THE DR.KEITH ABLOW SHOW VIDEO GALLERY

